

### **REMARKS/ARGUMENTS**

Claims 1-4, 7-17 and 19 are pending in this application.

By this amendment claim 19 has been renumbered as claim 18.

Claims 4 and 11-13 have been withdrawn from consideration. These claims have been canceled by this amendment.

The Examiner objects to claims 14 and 15 under 35 U.S.C. §112. The Examiner asserts that these claims are indefinite in that they describe a structure by the process of making the structure. These claims have now been amended to recite the step of providing the anchor member as a member comprising a cylinder-like member having two parallel end planes disposed at an acute angle to a longitudinal axis of the cylinder thereby forming two parallel surfaces having sharp edges. In view of the amendment, it is submitted that the rejection under 35 U.S.C. §112 should be withdrawn.

The Examiner also rejects claims 1-3, 7-10, 14-17 and 19 under 35 U.S.C. §102(b) as being anticipated by Bonutti U.S. Patent No. 5,522,846. The Examiner asserts that the claimed method is shown in Figs. 5-10 of Bonutti. The Examiner asserts that the distal surface of the tubular member is angled and conforms to the proximal angle surface of the anchor.

Applicant disagrees with the Examiner. The Bonutti reference does not show or suggest that the pusher member comprises a pusher member having an angled distal surface which conforms to an angled surface of the anchor member when the anchor member is at least partly in the outer tube. In fact, when the anchor member of Bonutti is in the outer tubular member, the angled distal surface of the member 82 does not conform to the surface of the anchor 32. In fact, the anchor 32 is a cylindrical member and does not have an angled surface which conforms to the angled surface of the pusher member 82. Accordingly, the claimed method is not taught or suggested by Bonutti.

Furthermore, with respect to claims 14 and 15, these claims specifically recite the step of providing the anchor member as a member comprising a cylinder-like member having two parallel end planes disposed at an acute angle to the longitudinal axis of the cylinder-like member thereby forming two parallel surfaces having sharp edges. Bonutti does not teach or suggest the claimed method, and accordingly, claims 14 and 15 are patentably distinguishable over Bonutti.

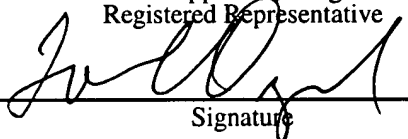
The remaining claims that are dependent on claims 1 and 15 are patentable over Bonutti at least for the reasons discussed above.

In view of the above, it is submitted that all claims in this application are now in condition for allowance, prompt notification of which is requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 18, 2005:

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Signature

October 18, 2005

Date of Signature

Respectfully submitted,



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